

**AN ORDINANCE**

**01- 0 -1800**

**BY: COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE AUTHORIZING THE MAYOR TO DIRECT THE DEPARTMENT OF PLANNING, DEVELOPMENT, AND NEIGHBORHOOD CONSERVATION (BUREAU OF NEIGHBORHOOD CONSERVATION) TO DEMOLISH AND CLEAN THE PREMISES OF VARIOUS STRUCTURES, PURSUANT TO ARTICLE III OF THE ATLANTA HOUSING CODE AND A HEARING CONDUCTED BY THE IN REM REVIEW BOARD ON October 25, 2001**

1309 Bernard Street, NW	09
569 Elbridge Drive, NW	03
29 Gould Street, SE	01
698 Neal Street, NW	03

**WHEREAS**, on March 16, 1987, the Council of the City of Atlanta adopted an Ordinance entitled, "The Atlanta Housing Code of 1987"; and the same was approved by the Mayor of the City of Atlanta on March 24, 1987; and

**WHEREAS**, on October 25, 2001, pursuant to the Atlanta Housing Code of 1987, Article III; entitled "In Rem Procedures", hearings were held after due notice to owner(s) of and/or parties in interest before the In Rem Review Board regarding certain structures believed to be unfit for occupancy or habitation and to be in violation of Article III; and

**WHEREAS**, October 25, 2001, The In Rem Review Board determined that the structures on the real property more fully identified hereinafter, were unfit for human occupancy or habitation and could not be improved, repaired, or altered at a cost of fifty percent (50%) or less of the value of structures, exclusive of the foundation and lots after the improvements have been made; and

**WHEREAS**, the In Rem Review Board did state in writing these findings of fact in support of such determination and the In Rem Review Board issued and caused to be served upon the owner(s) of and /or parties in interest, an Order requiring the owner(s) and/or parties in interest demolish such structures, clean the premises and plant grass on the lot pursuant to Section 33 (3) c of the Atlanta Housing Code; and

**WHEREAS**, a period of 30 days from the date of said Order was allowed for the owner(s) and/or parties in interest to comply with the Order; and

**WHEREAS**, the owner(s) and/or parties in interest of the properties failed to comply with the Order of the In Rem Review Board within the specified time.

**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:**

**SECTION 1:** That the Mayor is authorized to direct the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to forthwith demolish and clean the following real property, upon which structure(s) are located:

<b><u>Proper Street Address</u></b>	<b><u>City Council District</u></b>
<b>1309 Bernard Street, NW</b>	<b>09</b>
<b>569 Elbridge Drive, NW</b>	<b>03</b>
<b>29 Gould Street, SE</b>	<b>01</b>
<b>698 Neal Street, NW</b>	<b>03</b>

**SECTION 2:** That the Mayor is hereby authorized to direct the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to perform the following specific duties at the above mentioned properties:

- (1) Vacate the structures, (if occupied).
- (2) Demolish the structures and clean the premises.
- (3) Plant grass in conformance with the Order of the In Rem Review Board
- (4) File a lien against the real property on which the structures(s) are attached  
In an amount necessary to recover the costs incurred by the City of Atlanta

**SECTION 3:** That the Mayor is further authorized to allow the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to engage the professional services of any of the City of Atlanta's pre-qualified contractors to conduct the appropriate duties listed in **SECTION 2** of this ordinance.

**SECTION 4:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

## TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Heirs of Mamie Elliott, Ola McCann Howard, Sweetie McCann Jones, Mae Dossie Jefferson, Lilly cook, Sarah Collins, Oscar Watts, Wilma Shannon, Mozelle Dumas, Carrie Owens, Willie Larey and Carrie Bell Thomas, Individually and as Executrix of the Will of Mamie Elliott

on 10-12-01 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, seeking relief against the following described real estate, to-wit:

All that tract or parcel of land, lying and being in Land Lot 142 of the 14th District of Fulton County, Georgia, being Lot 5, in Block 28 of Hunter Hills Subdivision, and more particularly described as follows: BEGINNING at the Northwest corner of Bernard Street and Rockmart Drive and running thence Northwest along the west side of Rockmart Drive, seventy (70) feet; thence West one hundred eighty four (184) feet; thence Southeast fifty five (55) feet to the North side of Bernard Street; thence East along the North side of Bernard Street, two hundred (200) feet to the point of beginning. Being improved property known as No. 1309 Bernard Street, N.W., according to the present system of numbering houses in the City of Atlanta.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: October 12, 2001

BY: Dale S. Hayward  
Bureau of Neighborhood Conservation, Official Agent

BY: Bill Cartwright  
Assistant Real Estate City Attorney

## TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Felston E. O'Neal, Sr.  
National Tax Funding, L.P.  
Caulis Negriz Realty, LLC  
Earth Wise Properties, LLC

on 10-12-01 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia,  
seeking relief against the following described real estate, to-wit:

All that tract or parcel of land lying and being in Land Lot 143 of the 14th District, Fulton County, Georgia, being Lot 6 and part of Lot 5 of Eastman Park Subdivision as recorded in Plat Book 6, Pages 18 and 19, and being more particularly described as follows:  
BEGINNING at a point on the east side of Elbridge Drive 210 feet south of the southeast corner of Bankhead Highway and Elbridge Drive; running thence south along the east side of Elbridge Drive 50 feet to an iron pin; running thence east along the north side of Lot 7 a distance of 180 feet to an iron pin on the west side of a 10 foot alley; running thence north along the west side of said alley a distance of 95 feet to a point; running thence northwesterly 7 feet to an iron pin on the south side of another 10 foot alley; running thence west along the south side of said alley 79 feet to an iron pin; running thence south through Lot 5 a distance of 50 feet to an iron pin on the north side of Lot 6; running thence west along the south side of Lot 5 a distance of 96 feet to an iron pin on the east side of Elbridge Drive and the point of beginning; being known as 569 Elbridge Drive according to the present system of numbering houses in Atlanta, Georgia.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: October 12, 2001

BY:

Dale L. Haywood  
Bureau of Neighborhood Conservation, Official Agent

BY:

Bill Costin  
Assistant Real Estate City Attorney

**TO WHOM IT MAY CONCERN:**

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Don Curry and Randy Butler  
Ann T. Welch  
National Tax Funding  
Internal Revenue Service

on 10-12-01 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia,  
seeking relief against the following described real estate, to-wit:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land  
Lot 40 of the 14th District of Fulton County, Georgia, and being  
more particularly described as follows:

BEGINNING at a point on the southeast side of Gould  
Street 110 feet southwest of Richmond Avenue; running thence  
southwest along the southeast side of Gould Street 40 feet; thence  
southeast 125 feet to an alley; thence northeast along said alley  
40 feet; thence northwest 125 feet to the POINT OF BEGINNING;  
being part of Lot 5 of Block F, as per plat recorded in Plat Book  
1, Page 41, Fulton County, Georgia Records.

Being improved property known as No. 29 Gould Street, SE, according  
to the present system of numbering houses in the City of Atlanta

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings,  
dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This  
notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as  
provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such  
real property.

Dated: October 12, 2001

BY:

Dale L. Hargrett  
Bureau of Neighborhood Conservation, Official Agent

BY:

Bill Canty  
Assistant Real Estate City Attorney

**TO WHOM IT MAY CONCERN:**

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Joshua B. Butler, IV  
The Estate of Samuel H. McGuire  
K. D. Smith  
National Tax Funding

on 10-12-01 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia,  
seeking relief against the following described real estate, to-wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT  
111 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA, AND MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT ON THE SOUTH SIDE OF NEAL STREET 73 FEET  
WEST FROM THE SOUTHWEST CORNER OF NEAL STREET AND SUNSET  
AVENUE; THENCE WEST ALONG THE SOUTH SIDE OF NEAL STREET 27  
FEET; THENCE SOUTH 100 FEET; THENCE EAST 27 FEET; THENCE NORTH  
100 FEET TO NEAL STREET AT THE POINT OF BEGINNING ; BEING  
IMPROVED PROPERTY KNOWN AS NO. 698 NEAL STREET, N.W., ATLANTA,  
GEORGIA.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: October 12, 2001

BY:

Dale S. Haggard  
Bureau of Neighborhood Conservation, Official Agent

BY:

Bill Butler  
Assistant Real Estate City Attorney.

To Mayor's Office: Greg Pridgeon

(for review & distribution to Executive Management)

Commissioner Signature *Michael Dobbins*

Director Signature *Gail P. Smart*

From: Originating Dept. Housing Demolition

Contact (name) Dale Haygood - 6195

Committee(s) of Purview: Comm. Dvlpmt./HR

Committee Deadline: November 2, 2001

Committee Meeting Date(s) 11/14 & 28,

City Council Meeting Date: 11/19 & 12/3, 2001

2001

AN ORDINANCE AUTHORIZING THE MAYOR TO DIRECT THE DEPARTMENT OF PLANNING, DEVELOPMENT, AND NEIGHBORHOOD CONSERVATION (BUREAU OF NEIGHBORHOOD CONSERVATION) TO DEMOLISH AND CLEAN THE PREMISES OF VARIOUS STRUCTURES, PURSUANT TO ARTICLE III OF THE ATLANTA HOUSING CODE AND A HEARING CONDUCTED BY THE IN REM REVIEW BOARD ON OCTOBER 25, 2001.

1309 Bernard Street, NW

09

569 Elbridge Drive, NW

03

29 Gould Street, SE

01

698 Neal Street, NW

03

**BACKGROUND/PURPOSE/DISCUSSION:**

Owner(s) and/or Parties in interest at above properties did not repair or demolish the structure and clean the premises in accordance with the Atlanta Housing Code of 1987.

**FINANCIAL IMPACT (if any):** Approximately \$ 33,000.00

(The actual calculations are not made until the property is released to the contractor. The cost for demolition is based on calculating the square footage for each structure, the quantity of debris and checking the asbestos containing materials in floor covering, pipe insulation, etc.)

**OTHER DEPARTMENT(S) IMPACTED:** \_\_\_\_\_

**Coordinated Review With:** \_\_\_\_\_

**Mayor's Staff Only**

Received by Mayor's Office: 12/30/01

(date)

Reviewed: *JP*

(initials)

(date)

Submitted by Council: \_\_\_\_\_

(date)

Action by Committee:

☐ Approved

☐ Adversed

☐ Held

☐ Amended

☐ Substitute

☐ Referred

☐ Other

To Mayor's Office: Greg Pridgeon

(for review & distribution to Executive Management)